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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/821,316	04/08/2004	Ira J. Simon	10384CONT	9714
36396	7590	10/06/2004	EXAMINER	
DAVID WEISS 12650 RIVERSIDE DRIVE SUITE 100 NORTH HOLLYWOOD, CA 91607-3442			GALL, LLOYD A	
			ART UNIT	PAPER NUMBER
			3676	

DATE MAILED: 10/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/821,316	SIMON ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	<i>MJ</i>
	Lloyd A. Gall	3676	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) This action is **FINAL**.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-20 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-20 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_.
- 4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_.

## DETAILED ACTION

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-5, 7-16, 18 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jones (754) in view of Best et al (101) and Mullich et al. Jones teaches a trim pull handle plate 37, 43, 44, a cylindrical 24 lock apparatus including a bolt 16, a lock body 17, a spindle 24 (or a spindle defined by the portion of element 22 which is engaged in socket 24), a conical attachment plate 26 with an opening in registry with the trim plate opening to receive the mortise cylinder lock including a housing 23 and a rotatable cylinder (or key plug), a handle 25 secured to the spindle, and a cam 22 secured to and rotatable with the cylinder, and securing means 33 extending from the housing 29 through the lock body 17 and into the cylinder lock 23 whereby the lock body 17 is secured to the trim plate independently of the door and inwardly of the trim plate, and the housing 23 is secured to the trim plate independently of the door and outwardly of the lock body 17. The openings at 27 of the attachment plate and the trim plate allow the cylinder 23 to be removed relative to the attachment plate and trim plate leftwardly in fig. 1 after the screws 33 are removed. Best et al (101) teaches a key cylinder and knob 17 used with a latchbolt 10. Mullich et al teaches a retractor 88 used with a bolt and spindle/cam 48 and allowing the use of screw 54 extending through the lock body 80 as seen in fig. 8. To utilize a latchbolt with the lock

of Jones would have been obvious in view of the teaching of Best et al, to allow the bolt to be projected upon closing the door. To utilize a retractor with the cam/spindle 22, 24 of Jones, would have been obvious in view of the teaching of Mullich et al, to transfer key and handle 25 movement to sliding movement of the bolt.

Claims 6 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over the modified Jones reference as applied to claims 1 and 16 above, and further in view of the Photograph of door pull manufactured by Triangle Brass Manufacturing.

The Photograph teaches a door pull with tapering top and bottom edges. To substitute a trim plate with a tapering door pull for the trim plate of Jones, would have been obvious in view of the teaching of the Photograph, to provide a large gripping surface portion, to simplify opening of the door.

Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over the modified Jones reference as applied to claim 18 above, and further in view of Shen (760).

Shen teaches trim and attachment plates 11, 12 adapting a lock 30 for removal capabilities upon rotation of a key cylinder. To modify the trim and attachment plates of Jones to allow cylinder removal upon key rotation, would have been obvious in view of the teaching of Shen, the motivation being to allow a re-keyed lock to be installed to optimize security, as is well known in the lock art.

Applicant's arguments filed April 8, 2004 have been fully considered but they are not persuasive. In response to applicant's remarks, it is first noted that even though the door is positively claimed now, the trim plate in claim 1, line 3, for example, is claimed

as "securable" to the door, as opposed to being secured to the door. Accordingly all of the lock components of the instant invention as well as those of Jones are capable of being secured to one another without being on a door. Further, the claiming of "independently of said door" is regarded as a structurally unsupported functional limitation, of no patentable significance. Further, when all of the lock components of applicants invention are secured to a door, portions of the components also engage and cooperate with the door.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lloyd A. Gall whose telephone number is 703-308-0828. The examiner can normally be reached on Monday-Friday, 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Bagnell can be reached on 703-308-2151. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

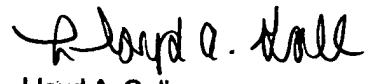
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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September 30, 2004

  
Lloyd A. Gall  
Primary Examiner